December 15, 1997

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The Honorable William E. Kennard Chairman Federal Communications Commission 1919 "M" Street, Northwest Room 814 Washington, D.C. 20554 FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Dear Chairman Kennard:

On December 5, 1997, several broadcasters, representing numerous UHF television stations, submitted a letter to you regarding their concern with the power level disparity between UHF and VHF stations under the table of allotments contained in the Sixth Report and Order in MM Docket No. 87-268. (A copy of that letter is enclosed for your convenience.) Since the submission of that letter, an additional broadcaster has signed the letter. The additional signatory is:

Telemundo Group, Inc.

Sincerely,

VIACOMINC. Delle Gerrell

DeDe Ferrell

Enclosure

cc: Commissioner Harold Furchtgott-Roth

Commissioner Susan Ness Commissioner Michael Powell Commissioner Gloria Tristani

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The Honorable William E. Kennard Chairman Federal Communications Commission Room 814 1919 M Street, N.W. Washington, D.C. 20554 RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION OFFICE OF THE SECRETARY

Dear Chairman Kennard:

On November 20, 1997, the Association for Maximum Service Television and other broadcasters (collectively, "MSTV") submitted to the Commission, for informational purposes only, a revised digital television table as a possible solution to concerns regarding "two systemic problems" in the table of DTV allotments/assignments attached to the Sixth Report and Order ("Sixth R&O Table"). The two problems cited by MSTV are DTV- to- DTV adjacent channel interference and channel assignments that result in interference in so-called "Acute Problem Areas". The undersigned are writing to remind the Commission of a third systemic problem that neither the accompanying text nor the reconstituted table offered by MSTV properly addresses: the enormous power disadvantage suffered under the Sixth R&O Table by many current UHF stations that are assigned to DTV channels in the UHF band ("U-to-U" stations). Given the concern of the undersigned with respect to the critical power issue, we still believe MSTV's submission falls far short of representing an industry-wide consensus on ameliorating the Sixth R&O Table.

While the undersigned may or may not individually agree that one or both of the two systemic problems cited by MSTV do, in fact, exist in the Sixth R&O Table, collectively we view the power issue as the single greatest threat to our continued viability and, ultimately, to the public interest. Significantly, despite the Commission's best efforts in implementing a minimum power level of 50 kW for U-to-U stations and a power cap of 1,000 kW for VHF stations assigned to DTV channels in the UHF band ("V-to-U" stations), hundreds of U-to-U stations power levels are still as low as ten, fifteen and even twenty times less than those assigned to their V-to-U competitors.

¹ Sixth Report and Order in MM Docket No. 87-268 (released April 21, 1997).

² The MSTV submission does appear to allude to the power issue, but only parenthetically. <u>See MSTV</u> submission at 10.

This fundamental power imbalance creates an impediment to our proceeding with confidence into the digital era. In fact, many existing UHF broadcasters are concerned that power levels are sufficiently deficient as to undermine the ability of U-to-U stations to penetrate buildings and be received by indoor antennas, even within our Grade A service areas. This will be a particularly acute problem in urban areas. Certainly neither Congress nor the Commission intended that millions of viewers would be disenfranchised from receiving certain television signals as a result of the transition to digital television. Further, since an overwhelming majority of existing UHF stations are affiliated with an emerging broadcast network or a non-English language broadcast network, the disparity in power levels places these stations at an enormous competitive disadvantage vis-a-vis VHF to UHF stations affiliated with one of the established networks. The submission filed by MSTV ignores this fundamental plight of U-to-U stations and their viewing public. Accordingly, the undersigned request that in evaluating MSTV's submission, the Commission bear in mind that the submission —which does not address the severe problem confronting more than half of the broadcast industry — is not a panacea.

We recognize the desire of the Commission and others to move apace with the transition to digital television. Indeed, the undersigned stand ready and eager to discuss the power issue with the Commissioners, their staffs and the industry in order to resolve the power problem as soon as possible.

Respectfully submitted,

Viacom Inc.
Clear Channel Communications, Inc.
HSN, Inc.
Univision Communications Inc.
Sullivan Broadcasting Group
Pappas Telecasting Companies
Sinclair Broadcast Group
Grant Broadcasting Group
Communications Corporation of America
Twenver Broadcast, Inc.
Newsweb Corporation
FANT Broadcasting
Morris Network, Inc.
Sainte Partners II L.P.

cc: Commissioner Harold Furchgott-Roth Commissioner Susan Ness Commissioner Michael Powell Commissioner Gloria Tristani